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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,331	03/27/2001	Charles R. Broadus	4000.2.35	3137
32641	7590	07/01/2005	EXAMINER	
DIGEO, INC C/O STOEL RIVES LLP 201 SOUTH MAIN STREET, SUITE 1100 ONE UTAH CENTER SALT LAKE CITY, UT 84111			YIMAM, HARUN M	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/820,331

Applicant(s)

BROADUS, CHARLES R.

Examiner

Harun M. Yimam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,7-9,11-14,17-19,21-24,27-29 and 31-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7-9,11-14,17-19,21-24,27-29 and 31-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-4, 7-9, 11-14, 17-19, 21-24, and 27-29 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7-9, 11-14, 17-19, 21-24, 27-29, and 31-34 are rejected under U.S.C. 103(a) as being unpatentable over Schein (US 6,412,110) and Ohkura (US 6,347,400).

Considering claims 1 and 11, Schein discloses a system and a corresponding method for indicating a completion status of a media program comprising: an EPG component for displaying... (figure 1) a completion status component configured to display a line (199 in figure 1) indicating a current time across at least a portion of the EPG, wherein the line is perpendicular to the second axis (see figure 1) and bisects an element of the EPG into an elapsed portion and a remaining portion.

Schein fails to disclose generating a separate graph of elapsed time versus running time for a first media program, the graph indicating the elapsed proportion of the first media program without reference to the line; and positioning the separate graph upon the corresponding element in the EPG.

In analogous art, Ohkura discloses generating a separate graph of elapsed time versus running time (see figures 7 and 8 and column 12, line 63 - column 13, line 12) for a first media program, the graph indicating the elapsed proportion of the first media program without reference to the line; and positioning the separate graph upon the corresponding element in the EPG (see 205 in figure 8).

It would have been obvious to one of ordinary skill in the art to modify Schein's system to include a separate graph of elapsed time versus running time, as taught by Ohkura, for the benefit of visually recognizing how the selected program has proceeded in time without comparing the present time that is recognized by looking at a clock (column 13, lines 13-17).

As for claims 2 and 12, Schein and Ohkura meet the claimed limitations. In particular, Schein discloses a line (199 in figure 1) for bisecting a plurality of elements of the EPG.

With regards to claims 3 and 14, Schein and Ohkura meet the claimed limitations. In particular, Schein discloses that the media program is selected from a television program (figure 1).

Regarding claims 4 and 13, Schein and Ohkura meet the claimed limitations. In particular, Schein teaches that the current time is represented by the location of the status line (column 4, lines 59-61) with respect to the start times of the programs. Therefore, since it is known to all that time is always changing, it is understood that the line moves along the second axis to indicate a change in the current time.

Considering claims 7 and 17, Schein and Ohkura meet the claimed limitations. In particular, Ohkura discloses a ratio bar graph of elapsed time versus running time (see figures 7 and 8 and column 12, line 63 - column 13, line 12).

As for claims 8 and 18, Schein and Ohkura meet the claimed limitations. In particular, Ohkura discloses a separate graph comprising an elapsed portion and a remaining portion, the elapsed portion being proportional in size to an elapsed time of a corresponding media program, the remaining portion being proportional in size to a remaining time thereof (see figures 7 and 8 and column 12, line 63 - column 13, line 12).

With regards to claims 9 and 19, Schein and Ohkura meet the claimed limitations. In particular, Ohkura discloses a separate visual indication of the program status wherein the elapsed portion is displayed in a first color (dark/black) and the remaining portion is displayed in a second color (bright/white) (see figures 7 and 8 and column 12, line 63 - column 13, line 12).

Considering claim 21, Schein and Ohkura meet the claimed limitations. In particular, Schein discloses a user interface (column 6, lines 64-66) for performing the acts of claims 1 and 11.

As for claim 22, Schein and Ohkura meet the claimed limitations. In particular, Schein discloses a user interface (column 6, lines 64-66) for performing the acts of claims 2 and 12.

With regards to claim 23, Schein and Ohkura meet the claimed limitations. In particular, Schein discloses a user interface (column 6, lines 64-66) for performing the acts of claims 4 and 13.

Regarding claim 24, Schein and Ohkura meet the claimed limitations. In particular, Schein discloses a user interface (column 6, lines 64-66) for performing the acts of claims 3 and 14.

Considering claim 27, Schein and Ohkura meet the claimed limitations. In particular, Schein disclose a user interface (column 6, lines 64-66) for performing the acts of claims 7 and 17.

As for claim 28, Schein and Ohkura meet the claimed limitations. In particular, Schein disclose a user interface (column 6, lines 64-66) for performing the acts of claims 8 and 18.

With regards to claim 29, Schein and Ohkura meet the claimed limitations. In particular, Schein disclose a user interface (column 6, lines 64-66) for performing the acts of claims 9 and 19.

Considering claim 31, Schein discloses a method for indicating a completion status of a media program comprising: an EPG component for displaying an EPG... (see figure 1).

Schein fails to disclose generating a separate graph of elapsed time versus running time for a first media program, the graph indicating the elapsed proportion of the first media program without reference to the EPG; and positioning the separate graph upon the corresponding element in the EPG.

In analogous art, Ohkura discloses generating a separate graph of elapsed time versus running time (see figures 7 and 8 and column 12, line 63 - column 13, line 12) for

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a first media program, the graph indicating the elapsed proportion of the first media program without reference to the EPG; and positioning the separate graph upon the corresponding element in the EPG (see 205 in figure 8).

It would have been obvious to one of ordinary skill in the art to modify Schein's system to include a separate graph of elapsed time versus running time, as taught by Ohkura, for the benefit of visually recognizing how the selected program has proceeded in time without comparing the present time that is recognized by looking at a clock (column 13, lines 13-17).

As for claim 32, Schein and Ohkura meet the claimed limitations. In particular, Ohkura discloses the graph comprises a pie chart (column 17, lines 5 - 13).

With regards to claim 33, Schein and Ohkura meet the claimed limitations. In particular, Ohkura discloses the graph comprises a ratio bar graph of elapsed time versus running time (see figures 7 and 8 and column 12, line 63 - column 13, line 12).

Regarding claim 34, Schein and Ohkura meet the claimed limitations. In particular, Ohkura shows displaying an enlarged version of the graph at a location outside of the program guide (see figure 7) in response to a user selection of a corresponding element in the program guide (column 12, lines 43-55).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HMY



CHRIS GRANT
PRIMARY EXAMINER